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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,243	01/27/2000	Yuesong He	M-7469-US	9620
25700	7590	02/20/2004	EXAMINER	
FARJAMI & FARJAMI LLP 16148 SAND CANYON IRVINE, CA 92618			ORTIZ, EDGARDO	
			ART UNIT	PAPER NUMBER
			2815	

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/492,243	Applicant(s) HE ET AL.	
	Examiner Edgardo Ortiz	Art Unit 2815	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

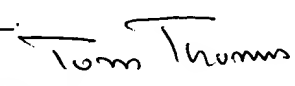
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 3,4,9 and 12-14.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


TOM THOMAS
 SUPERVISOR & EXAMINER
 TECHNICAL CENTER 2800

Continuation Sheet:
Serial Number: 09/492,243

Applicant's arguments have been fully considered, but are not deemed persuasive for the reasons stated below. Applicant argues that "*Pio fails to teach, disclose, or suggest a dopant concentration region displaced about a target region situated below a channel region of a floating gate transistor*". However, the examiner notes that Pio was not cited for this particular teaching, rather, Juang was cited for the teaching of a field effect transistor that includes a transistor having a gate (62), active regions (64) and channel region (66), separating the said source and drain regions, having a dopant concentration region with a retrograde channel profile (column 3, line 3), thus providing a channel region having a non-uniform concentration of dopant, as clearly stated in the final rejection mailed September 29, 2003.

Applicant further argues that "*Juang fails to teach, disclose, or suggest a dopant concentration region displaced about a target region, where the target region is situated below the channel region, and where the dopant concentration region extends into the channel region such that the channel region has a non-uniform concentration of dopant*". The examiner also disagrees and notes that Juang clearly teaches the claimed dopant concentration (column 3, lines 2-3) situated below (figure 6) a channel region (66) where the dopant concentration extends into the channel (figure 6) such that the channel region has a non-uniform concentration of dopant (column 3, line 3). Therefore, the claimed invention does not patentably or structurally distinguish over the Juang reference.

Lastly, Applicant argues that "*Juang fails to teach, disclose, or suggest a dopant concentration region displaced about a target region, where the dopant concentration has a highest concentration level toward a centerline axis around the target area and decreases laterally toward opposing source and drain regions*". The examiner notes that Applicant has failed to claim such a structure and that none of the pending claims contain such a limitation, thus the argument is moot.